



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 1553-99
17 March 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was retired by reason of physical disability because of a bipolar disorder
2. The Board, consisting of Ms. Moidel and Messrs. Ensley and Schultz, reviewed Petitioner's allegations of error and injustice on 16 March 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Enclosure (1) was filed in a timely manner.
 - c. Petitioner enlisted in the Navy on 13 October 1992. She was evaluated by a psychiatrist during February 1993, because of excessive day time somnolence. She was given a diagnosis of schizotypal personality disorder, severe. Her somnolence was attributed to the fact that she stayed awake at night to pray for protection from what she considered evil forces. In the psychiatrist's opinion, Petitioner was highly unsuitable for military service, and her retention in the Navy was not advisable, even though she strongly desired to be retained, and had not been counseled about deficiencies in her performance or conduct. The psychiatrist noted that her condition was thought by some to be a prodrome to psychotic illness. Petitioner was found fit for duty, and no action was taken to effect her separation from the Navy at that time. On 6 June 1994, she was recommended for discharge by reason

of misconduct/commission of a serious offense, for four specifications of failing to go to her appointed place of duty at the time prescribed, three specifications of dereliction of duty, violating a lawful general regulation by possessing a home made knife aboard a Navy vessel, and falsifying an official document. It appears that the majority of those offenses related to her absence from/failure to perform her duties because of somnolence. Petitioner waived her rights in connection with the discharge process, and was separated from the Navy on 11 September 1994, with a discharge under other than honorable conditions.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board was not persuaded that Petitioner suffered from a major mental disorder which rendered her unfit for duty. In this regard, it noted that although a personality disorder may render a member unsuitable for service, it is not considered to be a disability under the laws administered by the Department of the Navy.

The Board concludes that Petitioner's misconduct was relatively minor in nature, and may have been related to her severe personality disorder. It also believes that her waiver of rights in connection with the discharge process was related to that disorder, and that it is unlikely that she would have received a discharge under other than honorable conditions had she exercised her right to appear before an administrative discharge board and presented evidence concerning her personality disorder. The Board concludes that while her discharge was proper, the characterization of her service as under other than honorable conditions was unjust.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

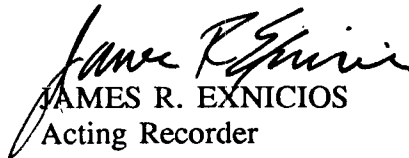
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was separated from the Navy on 11 September 1994 by reason of misconduct, with a general discharge.

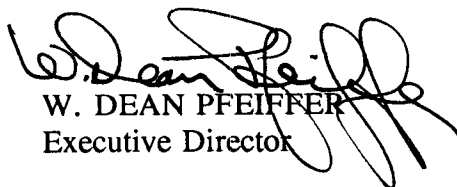
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director